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July 1, 2019

VIA CM/ECF

Judge Edgardo Ramos
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Ithaca Capital Investments I, S.A., et al. v. Trump Panama Hotel Management LLC, et ano.*, No. 18 Civ. 390 (ER) –Defendants’ Request for Informal Conference regarding Proposed Confidentiality Order

Dear Judge Ramos:

We represent Defendants/Counterclaim-Plaintiffs (“Defendants”) in the above-referenced action and write concerning a dispute between the parties concerning a proposed confidentiality order in this action. Pursuant to Section 2.A.i. of Your Honor’s Individual Practices, we write to request an informal conference in connection the parties’ disputes concerning a proposed confidentiality order in this action.¹

Pursuant to the May 16, 2019 Civil Case Discovery Plan & Scheduling Order (ECF No. 71), as modified by the Court’s June 17, 2019 Order on the parties’ letter motion for an extension of time (ECF No. 78), the parties were to submit a proposed confidentiality order in this action on or before June 28, 2019. Despite several meet and confers regarding details of the proposed confidentiality order, however, the parties are at an impasse regarding two key details of such an order – (i) a use restriction; and (ii) a second-tier designation for highly confidential material.

On June 28, 2019 and despite Your Honor’s Individual Practices regarding discovery disputes, plaintiffs filed a letter brief requesting the Court adopt one of their proposed forms of confidentiality order (*See* ECF No. 82). Defendants are prepared to respond to plaintiffs’ improperly-filed letter brief in writing if the Court so permits; alternatively, these issues can be discussed with the Court at an informal conference.

¹ As required by Local Rule 37.2 and Section 2.A.i of Your Honor’s Individual Practices, the parties have engaged in multiple telephone meet and confers regarding the proposed confidentiality order, including a 30-minute telephone conference on June 20, 2019; a 30-minute telephone conference on June 25, 2019; and a brief telephone conversation on June 28, 2019, in addition to numerous exchanges of drafts via e-mail.



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We thank the Court for its attention to this matter.

Respectfully submitted,

Bryan T. Mohler

cc: Counsel of Record (via CM/ECF)